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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/530,325

10/19/2006

Peter Titz

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9676

27305

7590

02/24/2011

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EXAMINER

STRIMBU, GREGORY J

ART UNIT

PAPER NUMBER

3634

MAIL DATE

DELIVERY MODE

02/24/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/530,325	<b>Applicant(s)</b> TITZ, PETER	
	<b>Examiner</b> Gregory J. Strimbu	<b>Art Unit</b> 3634	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2011.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-20 and 22-38 is/are pending in the application.
- 4a) Of the above claim(s) 7-9,15,16,24-26,32,33 and 35-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,6,10-14,17-20,22,23,27-31,34 and 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2010 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/13/11</u> .   | 6) <input type="checkbox"/> Other: _____                          |

***Continued Examination Under 37 CFR 1.114***

The request filed on January 13, 2011 for a Request for Continuing Examination (RCE) under 37 CFR 1.114 is acceptable and an RCE has been established. Any previous finality is hereby withdrawn and a new action on the merits follows. Any newly-submitted claims have been added. An action on the RCE follows.

***Election/Restrictions***

Upon further review of the application the restriction requirement of December 30, 2009 was improper is hereby withdrawn. Thus, the applicant's response of February 26, 2010 is moot. Additionally, the restriction requirement of January 9, 2009 is flawed. Species 1 only includes figures 3-8 and does not include figure 12. Since the applicant has elected the embodiment of species 1 in the response of March 4, 2009 and prosecution of species 1 has already commenced, species 1 is the only species which currently under examination.

Claims 7-9, 15, 16, 24-26, 32, 33 and 35-37 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on March 4, 2009.

***Drawings***

The drawing correction filed August 4, 2010 has been approved.

***Claim Rejections - 35 USC § 112***

Claims 2, 3, 6, 10, 18-20, 22, 23, 27, 28-31 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "is extended to form" on line 2 of claim 2 render the claims indefinite because it is unclear what the applicant is attempting to set forth. Is the applicant referring to an additional molding operation in which the first molding is "extended"? It appears that the molded material simply forms a closed loop.

Recitations such as "the portion thereof" on line 2 of claim 3 render the claims indefinite because they lack antecedent basis. Recitations such as "the window pane is secured to the window frame" on lines 2-3 of claim 6 render the claims indefinite because it is unclear whether or not the applicant is claiming the subcombination of the assembly or the combination of the assembly and the window frame. The preamble of claim 1 implies that only the subcombination is being claimed while the positive recitation of the window frame in claim 6 implies the combination. Recitations such as "a plurality of integral formations" on line 2 of claim 10 render the claims indefinite because it is unclear if the plurality of formations includes the at least one integral formation set forth in claim 1 or if the plurality of formations are in addition to the at least one formation set forth above. Recitations such as "along part only" on line 5 of claim 18 render the claims indefinite because they are grammatically awkward and confusing. Recitations such as "the length thereof" render the claims indefinite because it is unclear whether the applicant is referring to the length of the material or the length of the part of the strip.

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Recitations such as “the said” on line 2 of claim 20 are redundant since only one antecedent is necessary.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 10, 17 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Volkswagen AG drawings. The Volkswagen AG drawings disclose an assembly for a window frame of a vehicle, said assembly comprising:

a strip (labeled below);

a window pane (labeled below) fixed in position relative to the strip and having an interior side for facing an interior of the vehicle and an exterior side for facing an exterior of the vehicle, and

the strip including a length of extruded material (labeled below) in contact with the exterior side of the window pane and molded material (labeled below) in contact with the interior side of the window pane and molded onto and connected to the extruded material along only part of the length of the extruded material,

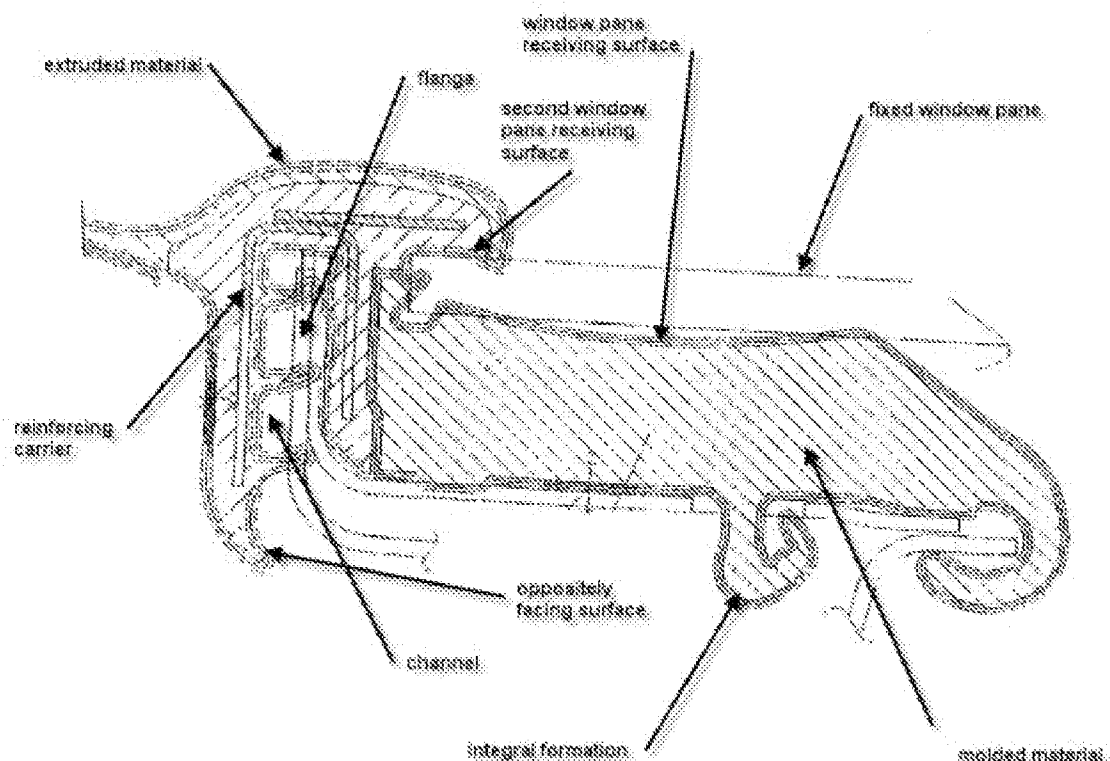
the extruded material including a channel (labeled below) for receiving a flange (labeled below) of the window frame and a rigid reinforcing carrier (labeled below) embedded within the extruded material in a region corresponding to the channel,

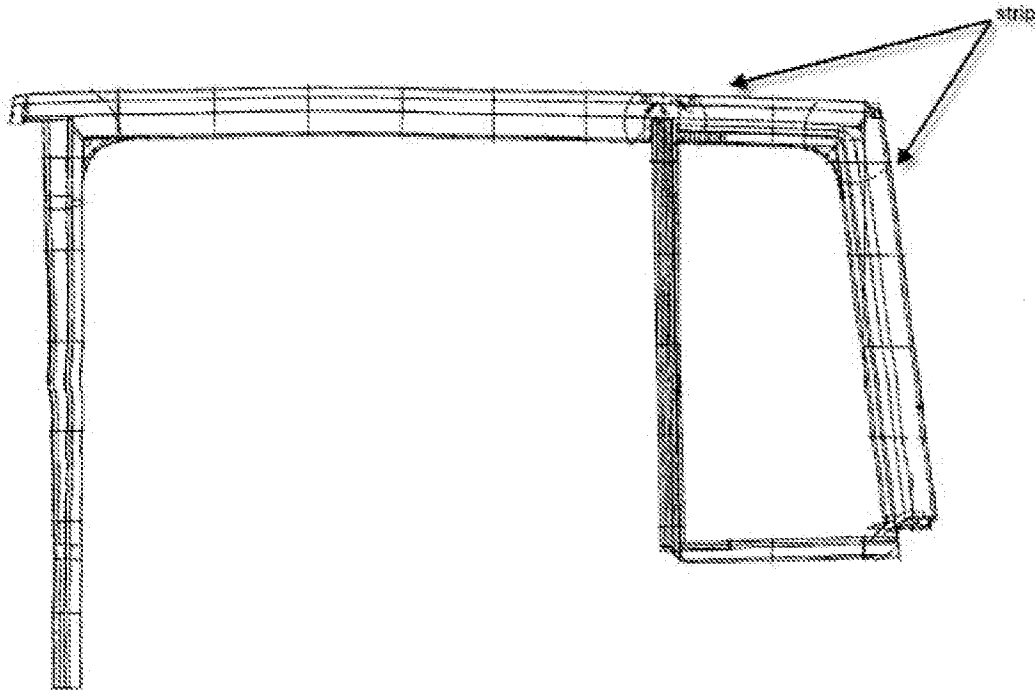
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the molded material forming a first window pane receiving surface (labeled below) at the interior side of the window pane,

the extruded material extending from the channel and having a second window pane receiving surface (labeled below) at the exterior side of the window pane and a generally oppositely facing surface (labeled below) facing opposite the second window pane receiving surface at the interior side of the window pane, and

the molded material including at least one integral formation (labeled below) at the interior side of the window pane for securing the molded material to the window frame.





### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Should the applicant disagree with the examiner's interpretation of the teachings of the Volkswagen AG drawings. Claims 1-3, 10, 17 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Volkswagen AG drawings and Nozaki et

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al. (5269101). The Volkswagen AG drawings disclose an assembly for a window frame of a vehicle, said assembly comprising:

- a strip (labeled above);

- a window pane (labeled above) fixed in position relative to the strip and having an interior side for facing an interior of the vehicle and an exterior side for facing an exterior of the vehicle, and

- the strip including a length of a first material (labeled above as the extruded material) in contact with the exterior side of the window pane and a second material (labeled above as the molded material) in contact with the interior side of the window pane,

- the first material including a channel (labeled above) for receiving a flange (labeled above) of the window frame and a rigid reinforcing carrier (labeled above) embedded within the extruded material in a region corresponding to the channel,

- the second material forming a first window pane receiving surface (labeled above) at the interior side of the window pane,

- the first material extending from the channel and having a second window pane receiving surface (labeled above) at the exterior side of the window pane and a generally oppositely facing surface (labeled above) facing opposite the second window pane receiving surface at the interior side of the window pane, and

- the second material including at least one integral formation (labeled above) at the interior side of the window pane for securing the molded material to the window frame.



Nozaki et al. discloses an assembly for a vehicle comprising a strip 10, the strip including a length of extruded material 1A and a molded material 1C molded onto and connected to the extruded material along only part of the length of the extruded material, the extruded material including a channel 11 for receiving a flange 30 and a rigid reinforcing carrier (not numbered, but shown in figure 4) embedded within the extruded material in a region corresponding to the channel.

It would have been obvious to one of ordinary skill in the art to provide the assembly of the Volkswagen AG drawings with an extruded and molded construction, as taught by Nozaki et al., to improve the seal between the assembly and the fixed window while providing a secure means for mounting the assembly to the flange of the vehicle.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Volkswagen AG drawings as applied to claims 1-3, 10, 17 and 38 above, and further in view of Furman (US 4591203). Furman discloses a molded sealing strip 22 including an aperture 38 in the molded sealing strip 22 through which a clamping member 42 is disposed, the clamping member is attached to a window pane 20 and the window pane is secured to a window frame 12 by the clamping member passing through the aperture in the molded part 22 and through a further aperture 16 in the window frame.

It would have been obvious to one of ordinary skill in the art to provide the Volkswagen AG drawings with an attachment means, as taught by Furman, to more securely attach the window pane to the window frame.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Volkswagen AG drawings in view of Nozaki et al. as applied to claims 1-3, 10, 17 and 38 above, and further in view of Furman (US 4591203). Furman discloses a molded sealing strip 22 including an aperture 38 in the molded sealing strip 22 through which a clamping member 42 is disposed, the clamping member is attached to a window pane 20 and the window pane is secured to a window frame 12 by the clamping member passing through the aperture in the molded part 22 and through a further aperture 16 in the window frame.

It would have been obvious to one of ordinary skill in the art to provide the Volkswagen AG drawings, as modified above, with an attachment means, as taught by Furman, to more securely attach the window pane to the window frame.

Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Volkswagen AG drawings as applied to claims 1-3, 10, 17 and 38 above, and further in view of Seo et al. (US 4653230). Seo et al., in figures 9 and 10, discloses an assembly comprising an elongate rigid member 206 into which a portion of strip 207 is fitted so as to clamp a window pane 23 fitted in the member 206, the rigid member also accommodates a further length of material 21 having a window pane receiving channel 261, the rigid member is substantially H-shaped.

It would have been obvious to one of ordinary skill in the art to provide the Volkswagen AG drawings with a rigid member, as taught by Seo et al., to securely

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mount the fixed window to the door while guiding the sliding movement of a sliding window pane.

Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Volkswagen AG drawings in view of Nozaki et al. as applied to claims 1-3, 10, 17 and 38 above, and further in view of Seo et al. (US 4653230). Seo et al., in figures 9 and 10, discloses an assembly comprising an elongate rigid member 206 into which a portion of strip 207 is fitted so as to clamp a window pane 23 fitted in the member 206, the rigid member also accommodates a further length of material 21 having a window pane receiving channel 261, the rigid member is substantially H-shaped.

It would have been obvious to one of ordinary skill in the art to provide the Volkswagen AG drawings, as modified above, with a rigid member, as taught by Seo et al., to securely mount the fixed window to the door while guiding the sliding movement of a sliding window pane.

Claims 18-20, 27 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Volkswagen AG drawings in view of Nozaki et al. as applied to claims 1-3, 10, 17 and 38 above. The Volkswagen AG drawings, as modified above, are silent concerning the specific method by which the assembly is made.

However, the making of the assembly taught by the Volkswagen AG drawings, as modified above, would inherently lead to the method steps set forth in claims 18-20, 27 and 34.

Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Volkswagen AG drawings in view of Nozaki et al. and Furman, as applied to claims 5 and 6 above. The Volkswagen AG drawings, as modified above, are silent concerning the specific method by which the assembly is made.

However, the making of the assembly taught by the Volkswagen AG drawings, as modified above, would inherently lead to the method steps set forth in claims 22 and 23.

Claims 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Volkswagen AG drawings in view of Nozaki et al. and Seo et al. as applied to claims 11-14 above. The Volkswagen AG drawings, as modified above, are silent concerning the specific method by which the assembly is made.

However, the making of the assembly taught by the Volkswagen AG drawings, as modified above, would inherently lead to the method steps set forth in claims 22 and 23.

### ***Response to Arguments***

Applicant's arguments filed January 13, 2011 have been fully considered but they are not persuasive.

The applicant's arguments concerning Backes et al. and Morita are moot in view of the new grounds of rejection.

***Conclusion***

**THIS ACTION IS NOT MADE FINAL.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory J. Strimbu/  
Primary Examiner, Art Unit 3634